



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

December 31, 2014

Mildred Miyazaki
670 San Lucia Ave.
Los Osos, CA 93402

J.H. Edwards Company
Attn: Jeff Edwards
PO Box 6070
Los Osos, CA 93412

Pamela Rutledge/Morro Bay Legacy LLC.
9 Carmel Bay Drive
Corona Del Mar, CA 92625

SUBJECT: APPEAL OF PAMELOA RUTLEDGE & MORRO BAY LEGACY, LLC.
COUNTY FILE NUMBER: DRC2014-00030
HEARING DATE: DECEMBER 19, 2014_PLANNING DEPARTMENT HEARINGS

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana, Secretary
County Planning Department

CC: Xzandrea Fowler, Project Manager
Bill Robeson, Supervisor
Whitney McDonald, County Counsel



#891

COASTAL APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: Pamela Rutledge + Morro Bay Legacy, LLC File Number: DRC 2014-00030

Type of permit being appealed:

☐ Plot Plan ☐ Site Plan ☒ Minor Use Permit ☐ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:

☐ Planning Director (Staff) ☐ Building Official ☒ Planning Department Hearing Officer
☐ Subdivision Review Board ☐ Planning Commission ☐ Other: _____

Date the application was acted on: _____

RECEIVED

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

DEC 31 2014

PLANNING & BUILDING

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

See Attached

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATIONPrint name: Mildred MiyazakiAddress: 670 Santa Lucia Avenue, Los Osos, Ca 93402Phone Number (daytime): 805 534-1958

We have completed this form accurately and declare all statements made here are true.

Signature

Date

Dec. 31, 2014**OFFICE USE ONLY**Date Received: 12/31/14Amount Paid: 0By: Chris Maciek, secretaryReceipt No. (if applicable): N/A

2014 DEC 31 PM 2:50
 SLO CNTY
 PLANNING/BUILDING
 DEPT

This appeal is to the decision of the hearing officer on December 19, 2014 in the matter of a request by PAMELA RUTLEDGE & MORRO BAY LEGACY, LLC for a Minor Use Permit (DRC2014-00030) to allow an existing single family residence to be used as a residential vacation rental at 656 Santa Lucia Avenue, Los Osos Ca.

The basis and reasons for this appeal are:

1. The decision was based on the wrong set of facts
2. The hearing officer granted the MUP in spite of evidence of a possible intent to defraud
3. The MUP was granted in advance of remedial action being taken with no time limit and no consequences
4. Responsibility for the final decision was abdicated and referred to another agency.
5. No consideration was given nor action taken regarding any unpaid taxes or fees due

FACTS:

Syd and Cathie Brown built the house which was completed in 1978. The property consisted of two bedrooms, one bathroom, a kitchen, a dining room, a living room, an entry hall and a laundry room. Originally there was a carport, which later became a detached garage. (Exhibit 1 attached)

On January 8, 1988 the California Regional Water Quality Control Board (RWQCB) imposed a moratorium on current discharges, new sources of sewage discharge and increases in the volume of existing sources in the community of Baywood-Los Osos. The moratorium was imposed through the provisions of a Memorandum of Understanding executed between the county and the RWQCB in December 1978, and imposes a variety of responsibilities on the county. The subject property lies within the prohibited area. (Exhibit 2 attached)

In 1991 the Brown's obtained a permit for an addition to be used as an Artist Studio. The addition connected the Master Bedroom to the existing two-car garage, a distance of approximately 32.5 feet. The project was final inspected and accepted in 1992. (permit log Exhibit 3 attached)

At some time after the inspection two bathrooms were added within the permitted addition. Please refer to Exhibit 4 attached. (Exhibit 4 is a copy of ATTACHMENT 3 of the Staff Report presented by Staff at the December 19th hearing.)

In May 2013 ownership was transferred to the Brown's three daughters as Morro Bay Legacy, LLC. The house was then listed on vrbo (vacation rental website) as a three bedroom, 3 bath vacation rental. In

August, 2014 it was discovered that the rental was operating without a permit and it was reported to the County. Planning and Building ultimately contacted the owners and ordered them to stop taking reservations on the property until a Minor Use Permit was obtained. They were allowed to honor those reservations already booked.

In September 2014 an application was submitted in to the County and was forwarded to LOCAC for recommendation. In October it was referred to the Land Use Committee which voted 5-2 to approve, and then forwarded to LOCAC. At that meeting although one member questioned what appeared to be an unpermitted bathroom and changed his previous vote, the members voted 4-3 to approve to send to Consent.

I requested a public hearing which was conducted at 9:00 a.m. on December 19th before Hearing Officer Dana Lilly. The owner's representative, Jeff Edwards spoke in support of, and I spoke in opposition to the permit. The Staff Report and recommendations were presented, there were questions and discussion by the hearing officer and the permit was approved subject to the recommendations in the Staff Report.

On December 31, 2014 I submitted this appeal to the decision of the Hearing Officer.

APPEAL

This appeal refers specifically to the section of the decision contained in Attachment 2 (to the Hearing Agenda) under EXHIBIT B – CONDITIONS OF APPROVAL:

Authorized Use

1. This permit authorizes a Minor Use Permit/Coastal Development Permit to allow the existing single residence to be used as residential vacation rental as follows:
 - a. The permitted artist studio shall not be used or marketed as a third bedroom for the purpose of vacation rental occupancy.
 - b. The unpermitted bathrooms located in the master bedroom and the artist studio shall be removed and all plumbing (drains and water lines) shall be capped within the wall. Demolition of those restrooms requires issuance of building permits. Inspection and verification of condition compliance is required prior to the issuance of a business license for the residential vacation rental. In the event that the applicant is able to secure a waiver from the Regional Water Quality Control Board which would allow for the issuance of as-built building permits for the two additional bathrooms, this condition shall no longer be applicable.

The decision was based on the wrong set of facts

In the early 1990's permits were obtained to legally add square footage to the existing residence to be used as an artist studio and dressing room. That work was completed and inspected, but at some time after the inspection unpermitted construction (two bathrooms) was done in the permitted area. Regardless of the other facts, the unpermitted construction should be removed and the area returned to the permitted condition.

The hearing officer granted the MUP in spite of evidence of a possible intent to defraud

The detail of the 1991 permit includes work on "rough plumbing". This suggests an intent to build bathrooms at some future time, supposedly when the Moratorium is lifted, but was done during the moratorium without permit.

The MUP was granted in advance of remedial action being taken with no time limit and no consequences

The way the decision was written, the owner can do nothing to remove the bathrooms and still rent the house out on a 30-day rental and simply wait for the Moratorium to be lifted.

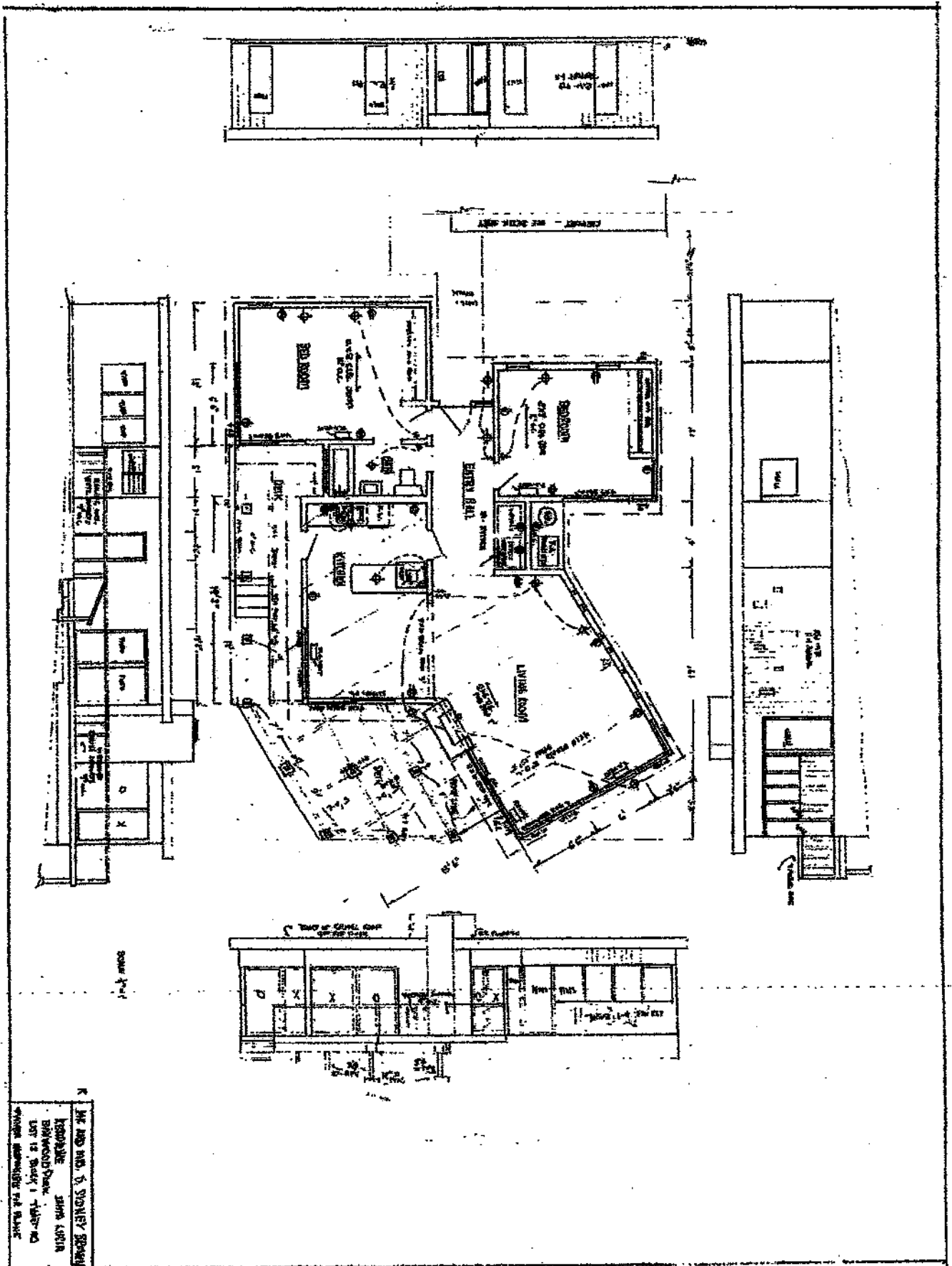
Responsibility for the final decision was abdicated and referred to another agency.

The decision basically kicked the can down the road by offering the waiver. An appeal is of course available, but the final decision and action should have been made to deny the MUP and demand the bathroom removal, notwithstanding any request for waiver to the RWQC.

No consideration was given nor action taken regarding any unpaid taxes or fees due

This property operated as a vacation rental for \$275 a night, but as of September 25, 2014, by the owner's admission, no taxes or applicable fines or fees had been paid to the County.

Exhibit 1
Page 1 of 1



Syd drew the plans with a healthy assist from Cathie. It took almost two years to get the plans through the Coastal Commission. Syd would drive to Santa Barbara as often as not they would not have a quorum. They wanted us to build 150 feet from Mean High Tide... we talked them into 75 feet which is closer than we wanted. No one knew what or where Mean High Tide was. We measured it ourselves with a stick and a tidal book. The garage is not shown (originally a carport). Later connected by the study.



LOS OSOS BUILDING MORATORIUM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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On January 8, 1988 the California Regional Water Quality Control Board (RWQCB) imposed a moratorium on current discharges, new sources of sewage discharge and increases in the volume of existing sources in the community of Baywood-Los Osos. The moratorium was imposed through the provisions of a Memorandum of Understanding executed between the county and the RWQCB in December 1978, and imposes a variety of responsibilities on the county. The purpose of this memo is to set forth official Department of Planning and Building policy on the implementation of the moratorium by staff.

AREA WHERE MORATORIUM APPLIES

The area subject to the moratorium is shown on the attached map, and is known as the prohibition area. The provisions of the moratorium **do not** apply outside of the prohibition area. (See last page for Martin Tract and Bayview Heights Exception Areas)

EFFECT OF MORATORIUM ON THE PERMIT PROCESS

The primary effect of the moratorium is that this office is prohibited from issuing any permits for new on-site sewage disposal systems (commonly called "septic" systems) within the prohibition area. We are also prohibited from issuing permits for expansion of the capacities of any existing systems, which means not permitting any additional building areas (bedrooms) that would increase the amount of discharge. These mandates (for our purposes) translate into the following specific requirements:

1. Independent structures without toilets or other plumbing fixtures (e.g. detached garages) may be approved as long as there are no rooms which can be used as bedrooms.
2. Additions to existing buildings which would normally (in circumstances other than the moratorium) require accompanying expansion of on-site sewage disposal (septic) systems shall not be approved, even where the existing septic system was originally oversized and could accommodate the addition without expansion.
3. Proposed living area (not bedroom) additions to existing dwellings will be processed per normal procedures: if they would not normally require accompanying septic system expansion, they may be approved. However, only living area additions that are open to the "core" of the house (kitchen, living room or dining room), that have large cased openings (half the area of the wall between them) with no doors and that do not have closets will be approved. If you have any questions about these requirements please call Steve Hicks, Supervising Plans Examiner, at 781-5709 before you complete your design.
4. Any change in occupancy of commercial structures which would increase the "drainage fixture unit" requirements per the Uniform Plumbing Code shall not be approved.
5. Fill out the attached Statement of Compliance. Please have it signed, notarized and recorded prior to permit issuance.

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

APN No. _____ Permit No. _____

STATEMENT OF COMPLIANCE

I, _____, the owner of real property commonly known as
 _____, APN # _____ ("Property"), state:
 (address)

1. I have received a copy of the Los Osos Moratorium Bulletin ("Moratorium Bulletin") as part of my permit application package from the San Luis Obispo County Department of Planning and Building ("County").
2. In consideration of the County issuing Construction Permit No. _____ ("Permit") and granting final approval on the Permit, I agree to maintain the Property in conformance with the Moratorium Bulletin and the Property plans as approved by the County for issuance of the Permit.
3. I acknowledge that a conversion of non-sleeping rooms without a permit is a misdemeanor. Any modification of the Property in violation of the Moratorium Bulletin or the Permit constitutes an illegal modification in violation of County and State regulations and could subject me and subsequent owners of the Property to civil and/or criminal liability and damages.
4. In the event the Property is connected to a community sewer system and discontinues use of an on-site sewage disposal system or the Los Osos Building Moratorium is lifted and is no longer in effect, this Statement of Compliance shall be of no further force or effect.
5. I acknowledge that this Statement of Compliance shall be recorded in the Office of the County Recorder for the County.

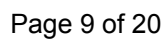
Signature of Owner _____

Print Name: _____ Date: _____

Signature of Owner _____

Print Name: _____ Date: _____

Note: The signatures on this page must be acknowledged by a Notary.





LOS OSOS BUILDING MORATORIUM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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On-Site Waste Discharge in Los Osos for Martin Tract and Bayview Heights Exception Areas

1. Per RWQCB WDR 00-12, Waste discharge is permitted in the Martin tract and Bayview Heights as long as the following conditions are met.

- a) The lot is an existing lot of record one acre minimum with an approved tentative subdivision map on or before September 8, 1999, or less than one acre with an approved tentative subdivision map on or before September 16, 1983.
- b) The project includes approved conventional septic system with at least 30 feet to groundwater.
- c) The discharger must submit a complete Notice of Intent (NOI) and first annual fee for each discharge to the RWQCB. Plans will not be approved until the RWQCB approves the NOI
- d) Remodels of existing units within the Bayview Heights and Martin Tract areas are authorized without filing an NOI provided the onsite wastewater system serving such re-model complies with the Basin Plan criteria for such systems and the wastewater system is inspected for condition, and verified for size by a C-42 Plumber.
- e) Daily flow of discharge averaged over a monthly period shall not exceed 375 gallons.
- f) The discharger shall have accumulated solids removed from septic tanks at least every five years, and more frequently if needed.

County of San Luis Obispo, Department of Planning and Building
[Switch To Map Search](#)

Permit - 87261 Finaled

Permit Info Build Activities Fees Conditions Valuations

Parcel: 038-681-018
 Address: 00656 SANTA LUCIA AV LSOS
 Application Date: 8/5/1991
 Issued Date: 12/26/1991
 Expiration Date:
 Finaled Date: 9/10/1992
 Community: Los Osos
 Planning Area: Estero Planning Area
 Coastal Zone: Yes
 Staff Assigned:
 Construction Type:
 Occupancy Group:
 Status: Finaled

| | | |
|-----------------------|-------------|------|
| Height Allowed | 14.00 | |
| Height Proposed | 12.00 | Feet |
| No. Stories | 1.00 | |
| SB-Front | 15.00 | Feet |
| SB-Left | 5.00 | Feet |
| SB-Right | 5.00 | Feet |
| SB-Rear | 10.00 | Feet |
| Street for SB Measure | SANTA LUCIA | |

| | | | | | |
|------|---------------------|-----------|------------|------|-----|
| A410 | PAYMENT IN FULL DUE | 8/5/1991 | 12/26/1991 | Done | 293 |
| B557 | DRYWALL | 7/15/1992 | 7/16/1992 | Done | 125 |
| B450 | WATER SERV. | 8/25/1992 | 8/26/1992 | Done | 125 |

| | | | | | |
|------|---------------------|------------|------------|------|-----|
| B650 | FINISH GRADING | 8/25/1992 | 8/26/1992 | Done | 125 |
| B805 | FINAL BUILDING | 8/25/1992 | 8/26/1992 | Done | 125 |
| B806 | FINAL ELECTRICAL | 8/25/1992 | 8/26/1992 | Done | 125 |
| B807 | FINAL PLUMBING | 8/25/1992 | 8/26/1992 | Done | 125 |
| B808 | FINAL MECHANICAL | 8/25/1992 | 8/26/1992 | Done | 125 |
| C050 | FINALED | 9/10/1992 | 9/10/1992 | Done | 293 |
| B851 | ROOF COVERING | 8/25/1992 | 8/26/1992 | Done | 125 |
| B851 | ROOF COVERING | 9/8/1992 | 9/10/1992 | Done | 125 |
| B650 | FINISH GRADING | 9/8/1992 | 9/10/1992 | Done | 125 |
| B807 | FINAL PLUMBING | 9/8/1992 | 9/10/1992 | Done | 125 |
| B808 | FINAL MECHANICAL | 9/8/1992 | 9/10/1992 | Done | 125 |
| B806 | FINAL ELECTRICAL | 9/8/1992 | 9/10/1992 | Done | 125 |
| B805 | FINAL BUILDING | 9/8/1992 | 9/10/1992 | Done | 125 |
| B450 | WATER SERV. | 9/8/1992 | 9/10/1992 | Done | 125 |
| A400 | PERMIT NOTIFICATION | 12/17/1991 | 12/19/1991 | Done | 266 |
| A400 | PERMIT NOTIFICATION | 12/17/1991 | 12/19/1991 | Done | 266 |
| A241 | DEV REVIEW FINAL | 8/5/1991 | 12/18/1991 | Done | 667 |
| A173 | BLDG PLAN CHK FINAL | 12/9/1991 | 12/18/1991 | Done | 115 |
| A016 | BLDG SITE CHECK CLR | 9/6/1991 | 12/18/1991 | Done | 115 |
| A36 | ENGR DRAIN PLAN CHK | 9/12/1991 | 12/16/1991 | Done | 602 |
| A045 | PLAN CORREC RETURN | 8/5/1991 | 12/9/1991 | Done | 113 |
| A041 | PLAN CORREC PICK-UP | 8/5/1991 | 11/22/1991 | Done | 266 |
| A034 | BLDG PLN CORR NOTIF | 8/5/1991 | 11/20/1991 | Done | 289 |

| | | | | | |
|------|----------------------------|-----------|------------|------|-----|
| A019 | BLDG PLAN CHK INIT | 8/5/1991 | 11/19/1991 | Done | 115 |
| A019 | BLDG PLN CHK ASSIGN | 8/5/1991 | 11/19/1991 | Done | 115 |
| A020 | DEV REVIEW MUP/SITE | 8/5/1991 | 11/18/1991 | Done | 667 |
| A015 | SITE CHECK SENT | 8/5/1991 | 8/29/1991 | Done | 266 |
| A20 | FRONT COUNT X-CHK | 8/23/1991 | 8/28/1991 | Done | 523 |
| A045 | PLAN CORREC RETURN | 8/23/1991 | 8/23/1991 | Done | 113 |
| A034 | BLDG PLN CORR NOTIF | 8/7/1991 | 8/7/1991 | Done | 110 |
| A006 | INITIAL FEE PAYMENT | 8/5/1991 | 8/6/1991 | Done | 530 |
| A004 | BUILDING INTAKE | 8/5/1991 | 8/5/1991 | Done | 289 |
| A003 | FRONT COUNTER INTAKE | 8/5/1991 | 8/5/1991 | Done | 922 |
| A003 | RECEIVED | 8/5/1991 | | | |
| B544 | INSULATION CEILING | 6/30/1992 | 7/1/1992 | Done | 125 |
| B543 | INSULATION WALL | 6/30/1992 | 7/1/1992 | Done | 125 |
| B453 | GAS PIPE INTERIOR | 6/16/1992 | 6/17/1992 | Done | 125 |
| B356 | ROUGH MECHANICAL | 6/16/1992 | 6/17/1992 | Done | 125 |
| B355 | ROUGH PLUMB | 6/16/1992 | 6/17/1992 | Done | 125 |
| B354 | ROUGH ELECTRICAL | 6/16/1992 | 6/17/1992 | Done | 125 |
| B353 | FRAMING | 6/16/1992 | 6/17/1992 | Done | 125 |
| B453 | GAS PIPE INTERIOR | 6/15/1992 | 6/16/1992 | Done | 125 |
| B356 | ROUGH MECHANICAL | 6/15/1992 | 6/16/1992 | Done | 125 |
| B355 | ROUGH PLUMB | 6/15/1992 | 6/16/1992 | Done | 125 |
| B354 | ROUGH ELECTRICAL | 6/15/1992 | 6/16/1992 | Done | 125 |
| B353 | FRAMING | 6/15/1992 | 6/16/1992 | Done | 125 |

Exhibit 3
Page 4 of 5

| | | | | | |
|------|----------------------------|------------|------------|------|-----|
| B316 | ROOF NAILING | 5/27/1992 | 5/28/1992 | Done | 125 |
| B453 | GAS PIPE INTERIOR | 3/23/1992 | 3/24/1992 | Done | 125 |
| B453 | GAS PIPE INTERIOR | 2/27/1992 | 2/28/1992 | Done | 125 |
| B211 | SLAB PLUMB/SUBFLR PL | 2/27/1992 | 2/28/1992 | Done | 125 |
| B158 | SLAB | 1/22/1992 | 1/23/1992 | Done | 125 |
| B161 | CONCRETE ENCASED GRD | 1/15/1992 | 1/16/1992 | Done | 125 |
| B160 | SET BACK | 1/15/1992 | 1/16/1992 | Done | 125 |
| B157 | FOUNDATION STEM WALL | 1/15/1992 | 1/16/1992 | Done | 125 |
| B156 | FOOTINGS | 1/15/1992 | 1/16/1992 | Done | 125 |
| B355 | ROUGH PLUMB | 1/13/1992 | 1/14/1992 | Done | 125 |
| C020 | ISSUED | 12/26/1991 | 12/26/1991 | Done | 289 |
| A016 | SITE CHECK | 8/29/1991 | 8/30/1991 | Done | 125 |
| A36 | ENGR DRAIN/EROSIO N | 8/5/1991 | 9/12/1991 | Done | 602 |

| | | |
|-----|------------------------------|----------|
| L04 | L04-Plot Plan w/Bldg Prmt-1 | \$85.00 |
| R03 | R03-Microfilm Records-1 | \$10.00 |
| B01 | B01-Building Permit Inspct-2 | \$234.00 |
| A01 | A01-Building Plan Rev Fees-1 | \$152.10 |
| Z18 | Z18-SMIP Tax-2 | \$2.29 |
| M02 | M02-Mechanical Permit-2 | \$4.80 |
| E01 | E01-Elec Base Fee-2 | \$15.00 |
| E02 | E02-Electrical Permit SFD-2 | \$14.40 |
| P22 | P22-Plumb SFD or Duplex-2 | \$16.80 |
| | Total Fees: | \$534.39 |

| | |
|-----------------------------|---|
| All Weather Drive/ Access-F | N |
| St Address In Place-F | N |
| School District Clearance-I | M |

Exhibit 3
Page 5 of 5

Toxic Waste Vrf Forms-C M

| Description | Grade | Type | Quantity | Valuation |
|-----------------|---------|------|----------|-------------|
| Dwelling | Average | | 480.00 | \$22,872.00 |
| Total Valuation | | | | \$22,872.00 |

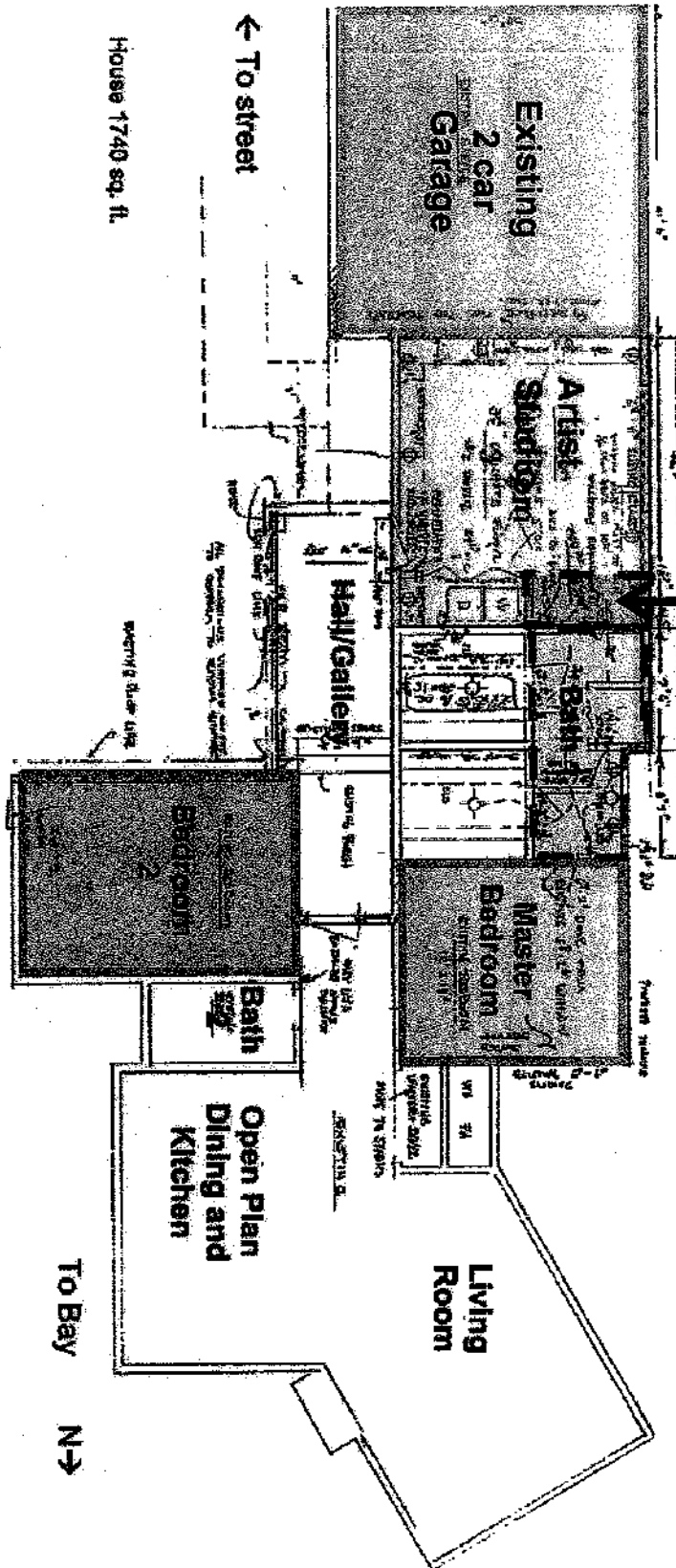
[Search For Another Permit](#)

SSL

Exhibit 4
Page 1 of 1

Floor plan:
3 bedrooms, 3 baths

Bath 3



Page 6 of 7



PROJECT

Rutledge Vacation Rental - MUP/CDP
DRC2014-00030

EXHIBIT

Floor Plan

ATTACHMENT 3



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

December 30, 2014

Teri Perevoski
672 San Lucia Ave.
Los Osos, CA 93402

J.H. Edwards Company
Attn: Jeff Edwards
PO Box 6070
Los Osos, CA 93412

Pamela Rutledge/Morro Bay Legacy LLC.
9 Carmel Bay Drive
Corona Del Mar, CA 92625

SUBJECT: APPEAL OF PAMELOA RUTLEDGE & MORRO BAY LEGACY, LLC.
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Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Retana".

Nicole Retana, Secretary
County Planning Department

CC: Xzandrea Fowler, Project Manager
Bill Robeson, Supervisor
Whitney McDonald, County Counsel



ATTACHMENT 2
COASTAL APPEAL FORM

#890

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION

Name: Rutledge

File Number: DRC 2014-00030

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☒ Minor Use Permit ☐ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:

- ☐ Planning Director (Staff) ☐ Building Official ☒ Planning Department Hearing Officer
☐ Subdivision Review Board ☐ Planning Commission ☐ Other: _____

Date the application was acted on: DECEMBER 19, 2014

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number 2 Reason for appeal (attach additional sheets if necessary)
See attached

APPELLANT INFORMATION

Print name: Terra Perevoski

Address: 672 Santa Lucia Ave, Los Osos CA 93402

Phone Number (daytime): 8054700420

We have completed this form accurately and declare all statements made here are true.

Signature: Terra Perevoski

Date: 12/30/2014

2014 DEC 30 AM 11:56
SLO COUNTY
PLANNING/BUILDING
DEPT

OFFICE USE ONLY

Date Received: 12/30/14

By: NTK

Amount Paid: 0

Receipt No. (if applicable): N/A.

I want to give you some background on my experience with owning, living in, managing and living close to a vacation rental. (VR). My husband and I own our primary residence in Santa Barbara. We bought as a second home in Los Osos in January of 2012. The house happened to be a VR and since my husband had been investing in rental real estate for over 30 years and I for over 20 we decided to continue the VR business and hired a property manager. We usually stayed a couple weeks a month and we were very involved with the management. In

September of 2013 we bought the house at 672 Santa Lucia Ave which we now use as our second home. We are in the process of applying for a VR MUP for this home.

I am requesting a modification of a condition proposed for the two VRs on Santa Lucia, one of which is mine and the other 656 Santa Lucia Ave., which is one house down from mine and 50 feet away.

Millie Miyazaki and I brought this possibility for a modification up at the hearing regarding my VR on December 5, 2014. We asked that the two homes on either side of 670 Santa Lucia be limited to 2 or 3 rentals per month in order to lessen the burden on the nearby neighborhood and the Miyazakis.

The Miyazakis and I are concerned about the effect of the two VRs on the neighborhood due to the fact that they are close together (separated by 50 ft) and their effect therefore concentrated. The addition of the 3 latest proposed VRs will bring the total in Los Osos to 17 - 2 (approximately 12%) will be adjacent to one home and 3 (approximately 18%) will be within two blocks of each other (the VR at 1161 Pasadena Ave). There is an overwhelming amount of sentiment against VRs in general and the 656 Santa Lucia home in specific. Millie Miyazaki (owner of 670 Santa Lucia and in-between the two proposed VRs) has collected 28 signatures and comments from the neighborhood regarding the 656 property and its usage as an illegal vacation rental since 2012 and its future as a VR <http://agenda.slocounty.ca.gov/agenda/sanluisobispo/4119/Q29ycmVzcG9uZGVuY2UgUmVjaWV2ZWRFUnV0bGVkZ2UucGRm/12/n/38073.doc>). We request the Board limit the number of monthly rentals in order to decrease the burden the immediate neighborhood will be carrying and lessen the impact of the concentration of these VRs.

There are situations where conditions are added or modified. Additional or modified conditions can be added to a specific MUP in order to ensure consistency with the community character and neighborhood compatibility. Additional and modified restrictions on parking were added to the Graham VR in Avila. (DRC2012-00012). Additional conditions can be added to a small area in a city. The Coastal Commission found that an amendment in the Santa Cruz County Vacation Rental Regulations limiting vacation rentals in the Live Oak Designated Area to 20% of a block or if vacation rentals constitute more than 15% of the residential stock of the area. Additional conditions city wide can be seen with the Cambria, Cayucos and Avila distance limitations.

Adding to or modifying the restriction on the number of stays per month would not unduly restrict the rental of the homes in a way that will diminish the public's ability to access and recreate on the coast. Instead, the proposed additional restriction provides an opportunity to regulate in a way that the the adjacent community from overuse in one small area and lessens the impact on surrounding property owners.

I know as a VR owner and neighbor that it is important to fit into and get along with the nearby neighbors and this compromise would go a long way to doing that. For those of us who live on the street the good will of our neighbors is key to enjoying the neighborhood experience. One of the reasons conditions are made on VRs is to lessen the impact on the neighborhood they are in. And in this situation where the VRs are so concentrated it becomes even more critical to consider the effect. I request that the Board of Supervisors decrease the visits per month for each VR on Santa Lucia.